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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/767,324

01/22/2001

Alain S. Rossmann

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10/27/2006

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EXAMINER

SAIN, GAUTAM

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                               |                                 |  |
|---|-------------------------------|---------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | Application No.<br>09/767,324 | Applicant(s)<br>ROSSMANN ET AL. |  |
|   | Examiner<br>Gautam Sain       | Art Unit<br>2176                |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: \_\_\_\_\_  
Claim(s) withdrawn from consideration: \_\_\_\_\_

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
Heather R. Herndon  
Supervisory Patent Examiner  
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Claim 38, Applicant argues that the references Ettesse and Angles do not teach automatically classifying a data element in the web page as being of a known data type; automatically determining a related operation that can be performed in relation to the data element, based on the data type of which the data element has been classified (see Remarks, page 2-4, bottom - page 12, top).

The Examiner disagrees because Angles discloses an advertiser providing generating a custom advertisement based on the consumer's profile, where the advertisement provider's computer stores demographic information about consumers and send customized advertisements to the consumer based on the consumer's demographic profile and tracks consumer responses to the customized advertisements. For example, when a consumer with a demographic profile indicates an interest in farming, they would be sent customized advertisements for farm products by the advertisement provider (Angles, col 3, lines 12-20). The examiner interprets the data type to be the interest, where interest contains the value of 'farming'. The examiner characterizes the claimed data type as a customized data type defined by a user for classifying one of more of the data blocks (ie., person, origin, destination, dates, hotels, place, time, address, phone number)(see specification page 18-19 for descriptions of examples of custom data types). Accordingly, Angles' data type of interest is an example of the claimed data type (of claim 38), where if the activity of farming is classified as the data type of user's interest. Once Angles classifies that the user's interest is farming, it generates customized advertisements for farm products for the user, which is based on the interest data type (col 3, lines 15-20). This is similar to the example in applicant's specification on page 19, where the data type is "destination" and based on the destination, related operations such as the weather can be looked up for that destination and provided to the user. In another similar example disclosed in the specification on page 22, the operator uses a travel web page to book an airline ticket (ie., inherently providing a destination, which is the data type) and a hotel. So, the hotel booking related operation is promoted to the user by advertising to the user the hotel options related to the data type of destination.

Additionally, Angles further disclose where the advertisement provider uses the consumer member code to identify the consumer's demographic profile and preferences. The advertisement provider then selects an appropriate advertisement based on the consumer's profile and sends the customized advertisement to the consumer computer (Angles, col 3, lines 55-67). In this case, the data type is the member code because based on the member code, the custom ad is displayed..